

II. REMARKS

Claims 1-2, 4, 7-11, 13, 15-16, 19, 21-28, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris.

Regarding claim 1, the Examiner cited Harris, col.2, 11.45-58, and col.8, 11.19-43, for the presently claimed feature of detecting electrical resistance. However, these citations disclose nothing about detecting electrical resistance. The only relevant statement is in col.8, 11.53-54, which states that controller 620 detects the card type without disclosing how this is done. Regarding claims 15, 25, and 26 the Examiner adds citations to col.5, 11.10-20, and col.6, 11.60-67. Again there is no disclosure of measuring resistance.

Apparently the Examiner is relying on the doctrine of inherent anticipation. However, then it must be clear that the missing matter is necessarily present and it would be so recognized by persons of ordinary skill in the art, see Continental Can Co. USA Inc. v. Monsanto Co., 20 USPQ2d 1746, 1749. In Harris card type might be determined by many different ways, e.g., by sending coded digits. Hence the missing matter is not necessarily present.

Thus the rejection of these claims should be reversed. Further since this feature is not suggested by Harris, these claims are unobvious over it.

Claims 5-6, 20 and 29 are rejected under 35 U.S. C. 103(a) as being unpatentable over Harris in view of Parker. Parker also fails to disclose the feature of detecting electrical resistance.

Thus combining it with Harris does not result in the invention of these claims.

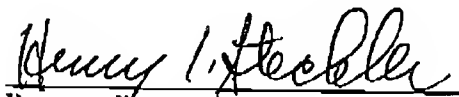
Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of White.

Similarly, White fails to disclose this feature. Thus combining it with Harris does not result in the invention of claim 14.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

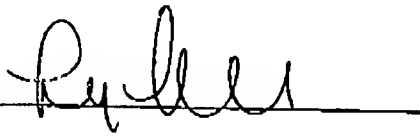

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